

as used in this section. Contention that limitations may be raised only by plea and not by rejoinder, discussed. *Funk v. Wingert*, 134 Md. 525.

When statute once begins to run, no subsequent disability will arrest it unless so provided by statute. *Maurice v. Worden*, 52 Md. 294; *Fink v. Zepp*, 76 Md. 185; *Lurman v. Hubner*, 75 Md. 272. See also *Gump v. Sibley*, 79 Md. 169; *Dempsey v. McNabb*, 73 Md. 438; *Stewart v. Spedden*, 5 Md. 448; *Young v. Mackall*, 4 Md. 374; *Ruff v. Bull*, 7 H. & J. 16.

A party is protected by the disability that exists at time his right of action first accrues, and if there are several disabilities at such time, statute does not begin to run until party has survived them all. Operation of statute cannot, however, be prevented by cumulative disabilities. *Dugan v. Gittings*, 3 Gill, 160.

Act of 1818, ch. 16, is constitutional. It repealed the saving clause as to persons "beyond the seas." Such persons had three years from passage of act in which to bring suit. (See sec. 7). *Frey v. Kirk*, 4 G. & J. 521. See also *Garrison v. Hill*, 81 Md. 558; *Mason v. Union Mills Co.*, 81 Md. 450; *Pancoast v. Addison*, 1 H. & J. 352; *Brent v. Tasker*, 1 H. & McH. 89; *Coursey v. Wright*, 1 H. & McH. 394; *Bank of Alexander v. Dyer*, 14 Pet. 141.

The statutory period having expired after disability was removed, limitations is a bar. *Hertle v. McDonald*, 2 Md. Ch. 133; *Boyd v. Harris*, 2 Md. Ch. 214.

This section applied as to infancy. *Chambers v. Woodberry Co.*, 106 Md. 497; *Welch v. State*, 5 H. & J. 369.

Cited but not construed in *Smith v. Williamson*, 1 H. & J. 150.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1715, ch. 23, sec. 6. 1729, ch. 24, secs. 21, 22. 1818, ch. 216. 1890, ch. 548. 1894, ch. 661. 1904, ch. 414.

3. No bill, testamentary, administration or other bond (except sheriffs and constables' bonds), judgment, recognizance, statute merchant, or of the staple or other specialty whatsoever, except such as shall be taken for the use of the State, shall be good and pleadable, or admitted in evidence against any person in this State after the principal debtor and creditor have been both dead twelve years, or the debt or thing in action is above twelve years' standing; provided, however, that every payment of interest upon any single bill or other specialty shall suspend the operation of this section as to such bill or specialty for three years after the date of such payment; saving to all persons who shall be under the aforementioned impediments of infancy or insanity of mind the full benefit of all such bills, bonds, judgments, recognizances, statute merchant, or of the staple or other specialties, for the period of six years after the removal of such disability.

#### When statute begins to run.

The statute only begins to run upon expiration of time for payment of money secured by a bond. *Glasgow v. Porter*, 1 H. & J. 109.

Limitations runs on a bond from time of breach. The act of 1715, ch. 23, sec. 6, and act of 1729, ch. 24, sec. 21, discussed in connection with each other. *Thurston v. Blackiston*, 36 Md. 509; *Byrd v. State*, 44 Md. 501; *Brumbaugh v. Schleigh*, 54 Md. 647; *Scaggs v. Reilly*, 88 Md. 65.

The statute begins to run against the suit of a ward on her guardian's bond, from the time she is of age. *State v. Henderson*, 54 Md. 346.

The statute begins to run against right to revive judgment from date of judgment, and is not suspended by death and failure to obtain administration on estate of judgment creditor. *Brooks v. Preston*, 106 Md. 705.

Allowing thirteen months for the settlement of an estate, the twelve years within which an administrator's bond could be sued, had not elapsed, and statute was no bar. *Hagerty v. Mann*, 56 Md. 526.

Where upon dissolution of a firm, one partner covenants to pay the debts and to release the other from same, statute begins to run against the covenantee, after a reasonable time from date of such covenant. *Dorsey v. Dashiell*, 1 Md. 198.

Where executor pays a legacy in full and takes a bond conditioned upon an insufficiency of assets, statute begins to run from the date of the discovery of such insufficiency. *Salisbury v. Black*, 6 H. & J. 297.

The statute begins to run as to judgments from date of judgment and is not suspended by death of debtor, or neglect of those entitled to obtain administration upon his estate. *Lang v. Wilmer*, 131 Md. 227.

#### Revival of the debt.

The construction of this section with reference to a revival of the debt is different from that of sec. 1. Neither an acknowledgment of debt nor an express promise to